

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS BABA,

Plaintiff,

-against-

15 Civ. 5151 (CM)

BEVERLY HILLS CEMETERY CORPORATION, INC.,
et al.,

Defendants.

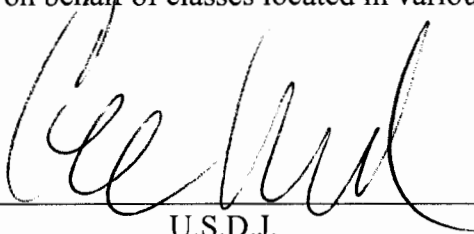
NOTICE TO COUNSEL

McMahon, J.:

After reviewing the complaint, I question whether this court is the proper forum to entertain class actions brought under the Labor Laws of Michigan and Indiana. While I agree that this is the logical forum to entertain a Rule 23 class action under the New York Labor Law, I can see absolutely no reason why this court ought to involve itself in enforcing the local laws of sister states, whose perfectly competent judges are infinitely more familiar with those laws and quite capable of enforcing them. The fact that Mr. Baba and the other named plaintiffs seek to certify a single nationwide class for purposes of the claims under Section 216 of the Fair Labor Standards Act – which motion will be addressed in due course -- does not impact the propriety of dealing with claims brought by separate classes brought under the disparate laws of several states.

Defendants should apprise the court of their intentions with respect to the state labor law claims asserted by the named plaintiffs on behalf of classes located in various states.

Dated: November 6, 2015


U.S.D.J.

BY ECF TO ALL COUNSEL